

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**HUAWEI TECHNOLOGIES CO. LTD.,**

**Plaintiff,**

**v.**

**T-MOBILE US, INC. and  
T-MOBILE USA, INC.,**

**Defendants,**

**NOKIA SOLUTIONS AND NETWORKS  
US LLC and NOKIA SOLUTIONS AND  
NETWORKS OY, and  
TELEFONAKTIEBOLAGET LM  
ERICSSON, and ERICSSON INC.,**

**Intervenors.**

**Civil Action No. 2:16-cv-0057-JRG-RSP**

**JURY TRIAL DEMANDED**

**NINTH AMENDED DOCKET CONTROL ORDER**

In accordance with the Court's August 24, 2017 order [Dkt. 298] and based upon the Joint Motion to Amend Eighth Amended Docket Control Order, it is hereby ORDERED that the following schedule of deadlines is in effect until further order of this Court:

| ORDERED<br>DATE    | NEW<br>DATE     |   |
|--------------------|-----------------|---|
| November 6, 2017   |                 | *Jury Selection – 9:00 a.m. in <b>Marshall, Texas</b>                                 |
| September 14, 2017 | October 3, 2017 | *Pretrial Conference – 9:00 a.m. in <b>Marshall, Texas</b><br>before Judge Roy Payne. |

| ORDERED<br>DATE | NEW<br>DATE       |   |
|-----------------|-------------------|---|
| August 30, 2017 | September 1, 2017 | *Notify Court of Agreements Reached During Meet and Confer<br><br>The parties are ordered to meet and confer on any outstanding objections or motions in limine. The parties shall advise the Court of any agreements reached no later than 1:00 p.m. three (3) business days before the pretrial conference. |
| August 28, 2017 | August 31, 2017   | *File Joint Pretrial Order, Joint Proposed Jury Instructions, Joint Proposed Verdict Form, and Responses to Motions <i>in Limine</i>  |

(\*) indicates a deadline that cannot be changed without showing good cause. Good cause is not shown merely by indicating that the parties agree that the deadline should be changed.

### ADDITIONAL REQUIREMENTS

**Notice of Mediator:** The parties are to jointly file a notice that identifies the agreed upon mediator or indicates that no agreement was reached. If the parties do not reach an agreement, the Court will appoint a mediator. The parties should not file a list of mediators to be considered by the Court.

**Indefiniteness:** In lieu of early motions for summary judgment, the parties are directed to include any arguments related to the issue of indefiniteness in their *Markman* briefing, subject to the local rules' normal page limits.

**Motions for Continuance:** The following excuses will not warrant a continuance nor justify a failure to comply with the discovery deadline:

- (a) The fact that there are motions for summary judgment or motions to dismiss pending;
- (b) The fact that one or more of the attorneys is set for trial in another court on the same day, unless the other setting was made before the date of this order or was made as a special provision for the parties in the other case;
- (c) The failure to complete discovery before trial, unless the parties can demonstrate that it was impossible to complete discovery despite their good faith effort to do so.

**Amendments to the Docket Control Order ("DCO"):** Any motion to alter any date on the DCO shall take the form of motion to amend the DCO. The motion to amend the DCO shall include a proposed order that lists all of the remaining dates in one column (as above) and the proposed changes to each date in an additional adjacent column (if there is no change for a date the proposed date column should remain blank or indicate that it is unchanged). In other words, the DCO in the proposed order should be complete such that one can clearly see all the remaining

deadlines and the changes, if any, to those deadlines, rather than needing to also refer to an earlier version of the DCO.

**SIGNED this 29th day of August, 2017.**

  
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ROY S. PAYNE  
UNITED STATES MAGISTRATE JUDGE